

Filed by: Merits Panel  
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Paper 28

Filed 16 March 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JORGE L. ACOSTA, MICHAEL P. SVETAL, MOHAMED A. SALIM  
ROBERT W. RUDEEN, and CRAIG H. BONTLY  
Junior Party<sup>1</sup>  
(Application 10/825,444),

v.

DONALD A. COLLINS, JR., DANIEL B. SEEVERS,  
WAYNE L. ORWIG, and SCOTT B. HENRY  
Senior Party  
(Patent 6,854,647).

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Patent Interference No. 105,327

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Before: MEDLEY, TIERNEY and MOORE, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**Judgment - Bd.R. 127(b)**

On 16 March 2006, the board received from the party Collins a paper styled  
"CONCESSION OF PRIORITY BY PARTY COLLINS" (Paper 27), in which Collins concedes  
priority of the contested subject matter pursuant to Bd.R. 127(b)(3).

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<sup>1</sup> Although the parties' accorded benefit dates are the same, Acosta is named the junior party for purposes of this proceeding.

Accordingly, it is

**ORDERED** that judgment on priority as to Count 1 (Paper 1 at 4), the sole count in the interference is awarded against the party DONALD A. COLLINS, JR., DANIEL B. SEEVERS, WAYNE L. ORWIG, and SCOTT B. HENRY.

**FURTHER ORDERED** that party DONALD A. COLLINS, JR., DANIEL B. SEEVERS, WAYNE L. ORWIG, and SCOTT B. HENRY is not entitled to a patent containing claims 1-17 (corresponding to Count 1) of U.S. patent 6,854,647.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 10/825,444 and U.S. Patent 6,854,647.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

<u>/Sally C. Medley/</u>	)	
SALLY C. MEDLEY	)	
Administrative Patent Judge	)	
	)	
	)	
<u>/Michael P. Tierney/</u>	)	BOARD OF PATENT
MICHAEL P. TIERNEY	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
<u>/James T. Moore/</u>	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

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## Despertt, Sonja

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**From:** Despertt, Sonja on behalf of Interference Trial Section  
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**Subject:** Interference No. 105327 (SCM) Paper No. 28 - Judgment-Bd.R. 127(b)(3)



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